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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Argentina, Armenia,* Bosnia and Herzegovina,* Botswana, Congo, Croatia,* Cyprus,* Democratic Republic of the Congo,* Djibouti,* Greece,* Israel,* Liechtenstein,* Montenegro, Netherlands, New Zealand,* Norway,* Peru,* Slovenia,* Spain,* Timor-Leste,* Uruguay:* draft resolution

28/...Prevention of genocide

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, as well as other relevant international instruments,

Recalling Human Rights Council resolutions 7/25 of 28 March 2008 and 22/22 of 22 March 2013 on the prevention of genocide,

Reaffirming the significance of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted on 9 December 1948 and succeeded by the adoption of the Universal Declaration of Human Rights on the next day, as an effective international instrument for the prevention and punishment of the crime of genocide,

Emphasizing that the crime of genocide is recognized in the Convention as an odious scourge that has inflicted great losses on humanity, and that further international cooperation is required to facilitate the timely prevention and punishment of the crime of genocide,

Deeply concerned about the occurrence in recent history of genocide, recognized as such by the international community, on the basis of and as defined in the Convention, and bearing in mind that massive, serious and systematic violations of human rights and international humanitarian law might result in genocide,

* Non-member State of the Human Rights Council.

Taking into consideration that States parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968 have agreed that no statutory limitation shall apply to such crimes, including the crime of genocide, irrespective of the date of their commission,

Affirming that impunity for the crime of genocide, war crimes and crimes against humanity encourages their occurrence and is a fundamental obstacle to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such crimes is an important factor in their prevention,

Condemning impunity for genocide, war crimes and crimes against humanity, and emphasizing the responsibility of States to comply with their obligations under relevant international instruments to end impunity and, to that end, to thoroughly investigate and prosecute persons responsible for genocide, crimes against humanity, war crimes or other massive, serious or systematic violations of human rights and international humanitarian law, in order to avoid their recurrence and to seek sustainable peace, justice, truth and reconciliation, and in this regard stressing also the importance of strengthening the capacity of domestic jurisdictions and inter-State cooperation,

Acknowledging the significant progress made by the international community, including within the United Nations system, in developing relevant mechanisms and practices to prevent and punish the crime of genocide, thereby contributing to the effective implementation of the Convention on the Prevention and Punishment of the Crime of Genocide,

Recalling General Assembly resolution 96 (I) of 11 December 1946, in which the Assembly declared genocide a crime under international law, and all subsequent resolutions within the United Nations system that have contributed to the establishment and development of the process of prevention and punishment of the crime of genocide, including Assembly resolution 60/1 of 16 September 2005,

Acknowledging with appreciation that genocide is defined among the most serious crimes of concern to the international community as a whole in the Rome Statute of the International Criminal Court, and also acknowledging the role of the Court, and other relevant international criminal tribunals in helping to increase accountability for the crime of genocide,

Expressing deep concern over the growing capabilities of terrorist groups, including foreign terrorist fighters, who perpetrate terrorist acts related to the crime of genocide established in the Convention on the Prevention and Punishment of the Crime of Genocide by targeting, persecuting and displacing individuals and groups, including on the basis of their national, ethnic, racial or religious background,

Stressing the importance of the promotion of truth, justice, reparation and guarantees of non-recurrence to the prevention of genocide, and also stressing, that perpetrators of this crime should be held criminally accountable on the national or international level,

Acknowledging the work of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and its positive impact on the prevention of gross violations of human rights and serious violations of international humanitarian law through a holistic approach to transitional justice,

Acknowledging also the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth,[1] and encouraging States to

[1] E/CN.4/2006/91, A/HRC/5/7, A/HRC/12/19 and A/HRC/15/33.

cooperate with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

Encouraging States to promote the ascertainment of the truth by appropriate means as an important element in combating impunity promoting accountability as part of the prevention of genocide and comprehensive reconciliation,

Recognizing that an important factor for the prevention of genocide is the identification of the root causes of genocide, as well as early warning signs,

Noting with concern that genocide is often denied, and reaffirming that public denials or attempts to justify the crime of genocide, as defined by international law, undermine the fight against impunity, reconciliation, and genocide-prevention efforts,

Recalling that the Human Rights Council was mandated by the General Assembly to address situations of violations of human rights, including gross and systematic violations, and to make recommendations thereon, and that it should also promote the effective coordination and mainstreaming of human rights in the United Nations system,

Recognizing the important contribution of the United Nations human rights system to efforts towards preventing situations in which the crime of genocide could be committed,

Reaffirming its full support for the mandate of the Special Adviser to the Secretary-General on the Prevention of Genocide, who acts as, inter alia, an early warning mechanism to prevent potential situations that could result in genocide,

Taking note of the new framework of analysis for atrocity crimes developed by the Office of the Special Adviser on the Prevention of Genocide and on the Responsibility to Protect as one of the tools to assess the risk of genocide in any situation, and encouraging Member States and regional and subregional organizations to use relevant frameworks, as appropriate, for guidance in their prevention work,

Taking note with appreciation of the presentation of the reports of the Secretary-General submitted to the Human Rights Council on the implementation of the Five-Point Action Plan[2] and the activities of the Special Adviser,[3] as well as of the convening of four interactive dialogues with the Special Adviser at the third, seventh, tenth and twenty-fifth sessions of the Council,

Recalling the 2005 World Summit Outcome,[4]

Welcoming the high-level panel discussion dedicated to the sixty-fifth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide at its twenty-fifth session, with the participation of Member States, relevant United Nations bodies, agencies and other relevant stakeholders,

Taking note of the interactive dialogue dedicated to the tenth anniversary of the creation of the mandate of the Special Adviser at its twenty-fifth session,

Acknowledging the important role played by regional and subregional arrangements in the prevention of genocide and response to situations that may lead to genocide, and taking note in this respect of the establishment of the Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination by the International Conference on the Great Lakes Region, and of the establishment of respective national committees by the member

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[2] E/CN.4/2006/84.

[3] A/HRC/7/37 and A/HRC/10/30.

[4] General Assembly resolution 60/1.

States of the Conference, the Latin American Network for Genocide and Mass Atrocity Prevention, the Genocide Network of the European Union, and other national, regional and international initiatives,

Acknowledging also the successful outcome of the regional forums on the prevention of genocide – the first, in Buenos Aires, from 10 to 12 December 2008; the second, in Arusha, from 3 to 5 March 2010; the third, in Bern, from 4 to 6 April 2011; and the fourth, in Phnom Penh, from 28 February to 1 March 2013 – and taking note of the first international meeting of Global Action Against Mass Atrocity Crimes, held in San José from 4 to 6 March 2014,

Acknowledging further that the memorialization of genocides is one of the essential aspects of justice and reconciliation for victims, and plays an important role in the prevention of genocide,

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the prevention and punishment of the crime of genocide;

2. *Reiterates* the responsibility of each individual State to protect its population from genocide, which entails the prevention of such a crime, including incitement to it, through appropriate and necessary means;

3. *Encourages* Member States to build their capacity to prevent genocide through the development of individual expertise and the creation of appropriate offices within Governments to strengthen the work on prevention;

4. *Encourages* States to consider the appointment of focal points on the prevention of genocide, who could cooperate and exchange information and best practices among themselves and with the Special Adviser to the Secretary-General on the Prevention of Genocide, relevant United Nations bodies and with regional and subregional mechanisms;

5. *Expresses* its appreciation to all States that have ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, and in particular to those States that have done so since the adoption by the Human Rights Council of its resolution 22/22;

6. *Calls upon* States that have not yet ratified or acceded to the Convention to consider doing so as a matter of high priority and, where necessary, to enact national legislation in conformity with the provisions of the Convention;

7. *Stresses* the importance of enhanced international cooperation, including through the United Nations system and through regional organizations, aimed at fostering the principles enshrined in the Convention;

8. *Calls upon* all States, in order to deter future occurrences of genocide, to cooperate, including through the United Nations system, in strengthening appropriate collaboration among existing mechanisms that contribute to the early detection and prevention of massive, serious and systematic violations of human rights that, if not halted, could lead to genocide;

9. *Condemns* the intentional public denial or glorification of crimes of genocide and crimes against humanity as defined by international law, and notes with concern that public denials create a risk of further violations and undermine efforts to prevent genocide;

10. *Recognizes* the important role of the Secretary-General in contributing to prompt consideration of cases of early warning or prevention, as mandated by the Security Council in its resolution 1366 (2001) of 30 August 2001, and the functions of the Special

Adviser on the Prevention of Genocide who, in accordance with his mandate, collects existing information, in particular from within the United Nations system, liaises with the United Nations system on activities for the prevention of genocide and works to enhance the capacity of the United Nations to analyse and manage information relating to genocide or related crimes;

11. *Requests* all Governments to cooperate fully with the Special Adviser on the Prevention of Genocide in the performance of his work, to furnish all relevant information requested and to react promptly to his urgent appeals;

12. *Underlines* the important role of the United Nations human rights system, including that of the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures and treaty bodies in addressing the challenge of collating information on massive, serious and systematic violations of human rights, thereby contributing to a better understanding and early warning of complex situations that might lead to genocide;

13. *Invites* the Secretary-General, in this regard, to bring to the attention of the international community situations that, in his assessment, could involve or be likely to lead to genocide, war crimes or crimes against humanity;

14. *Reiterates* the importance of the universal periodic review mechanism of the Human Rights Council, which is an important instrument for advancing human rights, and invites States to include, where appropriate, the information on the prevention of genocide, war crimes and crimes against humanity in their national reports;

15. *Urges* all States to implement accepted universal periodic review recommendations related to the prevention of genocide, war crimes and crimes against humanity;

16. *Encourages* the Special Adviser on the Prevention of Genocide and the High Commissioner to further enhance the systematic exchange of information between their offices and between the Special Adviser and all relevant special procedures, including those concerned with the promotion and protection of human rights of persons belonging to national, ethnic, racial or religious groups, as outlined in article II of the Convention on the Prevention and Punishment of the Crime of Genocide, as well as to continue collaboration with relevant international, regional and subregional organizations, national human rights institutions and civil society;

17. *Reiterates* the importance, when addressing complex situations that might lead to genocide as defined in the Convention, of a prompt and comprehensive examination of a set of multiple factors, including legal factors and possible warning signs as identified in, inter alia, the report of the Secretary-General on the implementation of the Five-Point Action Plan and the new framework of analysis for atrocity crimes developed by the Office of the Special Advisers on the Prevention of Genocide and on the Responsibility to Protect, such as the existence of groups at risk, the massive, serious and systematic violation of human rights, the resurgence of systematic discrimination and the prevalence of expressions of hate speech targeting persons belonging to national, ethnic, racial or religious groups, especially if they are uttered in the context of an actual or potential outbreak of violence;

18. *Encourages* States to make use of appropriate international and regional forums to address the issue of prevention of genocide, including, inter alia, the annual meetings of regional and thematic organizations and their related human rights machinery dedicated to the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide;

19. *Invites* Member States and regional and subregional organizations to look at the examples of best practices of prevention of genocide developed in other regions, as appropriate, taking into account their specific regional and national circumstances, with the aim of exchanging experiences and good practices in order to strengthen prevention measures, including early warning mechanisms and forms of cooperation;

20. *Underlines* the fact that the issue of terrorist groups, including foreign terrorist fighters, should be also addressed within the efforts of genocide prevention, particularly where their activities target individuals and groups, including when based on national, ethnic, racial and religious background;

21. *Encourages* Governments, in cooperation with international and regional organizations and civil society, while promoting human rights education activities, to continue to disseminate knowledge of the principles of the Convention, paying particular attention to the principles of prevention;

22. *Emphasizes* the important role that education, including human rights education, can play in genocide prevention, and further encourages Governments to promote, as appropriate, educational programmes and projects that contribute to the prevention of genocide;

23. *Takes note* of the provision of training and technical assistance to Member States by the United Nations to strengthen early warning mechanisms for the prevention of genocide, as well as other prevention capacities, and encourages Member States to consider requesting such assistance, if required;

24. *Invites* States as a preventive measure to provide appropriate ways, which may include the establishment of national days of remembrance of victims of genocide, war crimes and crimes against humanity, which will ensure that such horrendous crimes are never forgotten and provide an opportunity for everyone to learn lessons from the past and create a safer future;

25. *Recommends* that the General Assembly designate 9 December as the International Day of Commemoration and Dignity of the Victims of Genocide in order to raise awareness of the Convention on the Prevention and Punishment of the Crime of Genocide and its role in combating and preventing the crime of genocide;

26. *Invites* the Special Adviser on the Prevention of Genocide to continue to execute the activities under his mandate, including in the follow-up to the present resolution, by providing States with guidance, assistance and follow-up, upon their request;

27. *Invites* the Special Adviser to an interactive dialogue with the Human Rights Council at its thirty-first session on the progress made in discharging his duties;

28. *Requests* the Secretary-General to draw up a roster of focal points and networks on the prevention of genocide with updated information from Member States;

29. *Decides* to continue its consideration of this issue in accordance with its programme of work.